



# 101<sup>st</sup> Airborne Division Claims Office

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## ARTICLE 139 CLAIMS

### 1. Q. WHAT IS AN ARTICLE 139 CLAIM?

A. Article 139 of the U.C.M.J., entitled “Redress of injuries to property,” allows people to be compensated when service members commit fraud against them, steal from them, or vandalize their property. It is **NOT** designed to allow a creditor to collect a debt when the debt is disputed or the debtor has merely had trouble making repayments. Further, Article 139 claims cannot be used to rectify business deals gone bad or to recover money for damage or loss which was caused by negligence instead of by intentional or reckless misconduct on the part of the soldier.

Specific examples of situations in which a soldier could recover under an Article 139 claim include where one soldier uses another soldier’s telephone card without the owner’s permission or where a soldier slashes the tires of someone’s car.

### 2. Q. WHAT TYPE OF PROPERTY LOSS OR DAMAGE IS COVERED BY ARTICLE 139?

A. An Article 139 claim provides redress for loss of or damage to property which has been willfully damaged or wrongfully taken by a member of the Armed Forces of the United States. Accidental damage is not covered.

(a) **Willfully damaged:** Willful damage is essentially vandalism – damage or loss which is intentionally inflicted. Loss or damage caused by riotous, violent, or disorderly conduct may be considered intentionally inflicted.

(b) **Wrongfully taken:** A wrongful taking is essentially a theft – an unauthorized taking or withholding of property with the intent to deprive the owner of either temporary or permanent possession.

### 3. Q. HOW DO I MAKE AN ARTICLE 139 CLAIM?

A. Any individual, civilian or military, may file an Article 139 claim against a service member. A claim may initially be submitted orally, but within 10 calendar days it must be reduced to writing, signed by the claimant, and for a definite amount specified. An oral claim which is not

reduced to writing within ten calendar day may be dismissed.

### 4. Q. WHEN DO I FILE AN ARTICLE 139 CLAIM?

A claim **must** be submitted within **90 days** of the incident which gave rise to the claim, or good cause for the delay must be shown. Generally, a person who is not aware of Article 139 or does not know the identity of the offender has good cause for delay in the submission of his or her claim.

### 5. Q. WHERE DO I SUBMIT MY CLAIM AND WHAT HAPPENS NEXT?

A. The person making the claim must file it with the special court-martial convening authority (SPCMCA) having jurisdiction over the alleged offender. However, any claims office can process the accuser’s claim and forward it to the SPCMCA which has jurisdiction. The next step involves the SPCMCA appointing an officer to conduct a formal investigation. Within 10 working days of appointment, the investigating officer is expected to complete an investigation into the claim. If the investigating officer determines that it is “more likely than not” (i.e., there is a preponderance of the evidence) that the claim is valid, then the SPCMCA can order up to \$5,000 in compensation to be approved immediately and can recommend approval of higher levels of compensation to the U.S. Army Claims Service. This money is then collected directly from the wrongdoer’s paycheck and paid to the victim.

If you have further questions about Article 139 claims, please contact your local Legal Assistance Office or Claims Office.

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